



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

NOV 02 2006

KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

OFFICE OF PETITIONS

In re Application of	:	
Kojima, et al.	:	DECISION GRANTING PETITION
Application No. 09/587,529	:	AND WITHDRAWING THE
Filed: June 1, 2000	:	HOLDING OF ABANDONMENT
Attorney Docket No. FUJI 17.379	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed September 27, 2006.

The petition under 37 CFR 1.181 is **GRANTED**.

The holding of abandonment is **WITHDRAWN**.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed May 18, 2006. This notice set a statutory period of three (3) months for issue fee transmittal. No issue fee having been received, the application became abandoned on August 19, 2006. A Notice of Abandonment was mailed on September 20, 2006.

Petitioner states that he did not receive the Notice of Allowance. To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file

jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.¹ A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."²

Here, petitioner has met the requirements to establish non-receipt. In particular, petitioner has submitted a satisfactory docket record showing all replies docketed for a due date of August 18, 2006. An entry for the instant application is absent, supporting the conclusion that the Notice was not received.

Accordingly, the holding of abandonment is withdrawn.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The application is being forwarded to Group Art Unit 2141 for re-mailing of the Notice of Allowance, setting a new period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

¹ See MPEP 711.03(c)(II).

² Id.